

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHELLE SOLOBAY,  
Plaintiff,  
v.  
PRESIDIO TRUST,  
Defendant.

Case No. [3:23-cv-06359-JD](#)

**ORDER RE REPORT AND  
RECOMMENDATION**

Pro se plaintiff Michelle Solobay filed this action against defendant Presidio Trust. Dkt. Nos. 1, 6. Solobay neither consented to nor declined magistrate judge jurisdiction, and the record does not indicate Presidio Trust was served. *See* Dkt. Nos. 9, 10, 11.

The magistrate judge vacated the case management conference set for March 14, 2024, and directed Solobay to file a status report by March 21, 2024. Dkt. No. 11. The magistrate judge subsequently ordered Solobay to show cause by April 4, 2024, why the case should not be dismissed. Solobay did not respond to or otherwise comply with these orders. On April 5, 2024, the magistrate judge filed a report and recommendation advising dismissal of the complaint for failure to prosecute. No objections have been filed in response to this report, and the time to file objections has expired. *See* Fed. R. Civ. P. 72(b).

Based on the Court's independent review of the case, dismissal is appropriate for failure to prosecute. The case has been pending for nearly five months, and Solobay has made no appearance since filing her complaint. The report and recommendation is adopted in full, and the case is dismissed without prejudice. The Clerk's Office is asked to close the case.

**IT IS SO ORDERED.**

Dated: May 7, 2024

  
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JAMES DONATO  
United States District Judge